

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 8770



Introduced by **HON. LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.**

EXPLANATORY NOTE

Every Filipino, especially women and minors, has the right to feel safe in his/her streets, schools, offices, public utility vehicles, and other public spaces. The State is mandated to exercise all powers necessary to ensure that its people are safe within its jurisdiction. While there are laws in place, such as the Anti-Rape Law of 1997 which amended, expanded, and reclassified the crime of rape as a crime against persons under the Revised Penal Code (RPC) – one Filipino is still raped every hour and thousands suffer from various acts and forms of sexual harassment¹.

The RPC likewise enumerates other crimes of perversion that fall outside the ambit of rape, but are nonetheless tantamount to sexual harassment. The current laws in place do not differentiate the acts of sexual harassment done in private spaces from those committed in public, or provide for their penalties.

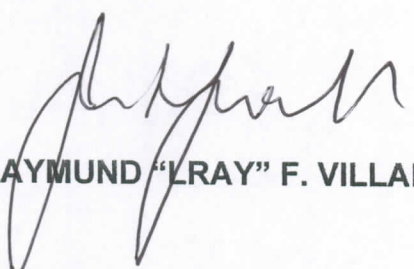
We are hereby compelled to propose this bill in recognition of the greater perversity and disrespect of the law that is manifest when one sexually harasses another in public spaces. Under this bill, tagged as the Safe Streets, Workplaces and Public Spaces Act of 2018, unwanted comments, gestures, and actions forced on a person in a public space without his/her consent that intend to sexually harass or result in harassment, fear, or intimidation the basis of the victim's shall be penalized. Graver penalties shall be imposed on individuals who take advantage of their position or authority in performance of such acts.

¹ http://cnnphilippines.com/news/p24h6t-Violence-against-women-.png/ALTERNATES/FREE_720/Violence-against-women-.png

There is an urgent call to intensify our sexual harassment prevention efforts in all public venues. This bill answers the same by incorporating not only penal sanctions, but also educational policies. Upon effectivity of the law, courses in high school and college shall include age-appropriate educational modules against street and public spaces harassment to be developed by the Department of Education (DepEd), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA) and Philippine Commission on Women (PCW).

For a country that prides itself in the apparent equality between men and women in the workplace and in society, statistics consistently reveal that thousands of Filipinas remain unsafe and have fallen victims to sexual harassment of one kind or the other. It is high time that we put a stop to this.

In light of the foregoing premises, the swift passage of this bill is humbly sought.



LUIS RAYMUND "LRAY" F. VILLAFUERTE, JR.

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AN ACT
DEFINING AND PENALIZING STREET SEXUAL HARASSMENT AND PUBLIC
SPACES HARASSMENT, EXPANDING THE DEFINITION OF SEXUAL
HARASSMENT, AND AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 7877,
AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Title. – This act shall be known as the "Safe Streets, Workplaces and Public Spaces Act of 2018".

SEC. 2. Declaration of Principles. – It is the policy of the State to value the dignity of every human person and guarantee full respect for human rights. It is likewise the policy of the state to recognize the role of women in nation-building and ensure the fundamental equality before the law of women and men.

ARTICLE I
STREET AND PUBLIC SPACES HARASSMENT

SEC. 3. Street Sexual Harassment and Public Spaces Harassment. – Street sexual harassment and public spaces harassment is constitutive of unwanted comments, gestures, and actions forced on a person in a public space without their consent, including but not limited to unwanted cursing, wolf-whistling, cat-calling, leering, persistent requests for someone's name, number and destination after clear refusal, persistent telling of sexual jokes, use of sexual names, comments and demands. Following, flashing, public masturbation, groping, stalking, and all analogous cases of sexual harassment and/ or assault: *Provided*, that legitimate expressions of indigenous culture and tradition with no intent to harass shall not be penalized. Public spaces shall include but are not limited to, streets and alleys,

public parks, schools, government buildings, malls, bars, restaurants, transportation terminals, public markets, and public utility vehicles.

SEC. 4. Specific Arts and Penalties. – The following acts constitutive of street sexual harassment and public spaces harassment will be penalized under the corresponding schedule:

(a) Light violations. – Cursing, wolf-whistling, cat-calling, leering; persistent requests for name and contact details, or the persistent telling of sexual jokes:

- 1) First offense shall be punished by a fine of One thousand pesos (P1,000.00) and/or community service of eight (8) hours inclusive of a Gender Sensitivity Seminar to be conducted by the Philippine National Police (PNP) in coordination with the local government unit (LGU) and the Philippine Commission on Women (PCW);
- 2) Second offense shall be punished by *arresto menor* (six to ten days) or a fine of Two thousand pesos (P2,000.00);
- 3) Third offense shall be punished by *arresto menor* (eleven to thirty days) or a fine of Three thousand pesos (P3,000.00).

(b) Medium violations. – Making offensive body gestures at someone, exposing private parts for the sexual gratification of the perpetrator with the effect of demeaning, harassing, threatening or intimidating the offended party:

- 1) First offense shall be punished by a fine of Three thousand pesos (P3,000.00) and/or community service of eight (8) hours inclusive of a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the local government unit and the PCW;
- 2) Second offense shall be punished by *arresto menor* (eleven to thirty days) or a fine of Four thousand pesos (P4,000.00);
- 3) Third offense shall be punished by *arresto mayor* (one to six months) or a fine of Five thousand pesos (P5,000.00).

(c) Severe violations – Stalking; all the acts mentioned in paragraphs (a) and (b), when accompanied by touching, pinching or brushing against the genitalia, anus, groin, breasts, inner thighs, face, or buttocks even when not accompanied by acts mentioned in paragraphs (a) and (b):

- 1) First offense shall be punished by *arresto menor* (eleven to thirty days) or a fine of Four thousand pesos (P4,000.00): *Provided*, That it includes attendance in a Gender Sensitivity Seminar, to be conducted by the PNP in coordination with the local government unit and the PCW;
- 2) Second offense shall be punished by *arresto mayor* (one to six months) or a fine of Five thousand pesos (P5,000.00);
- 3) Third offense shall be punished by *arresto mayor* (one to six months) or a fine of Ten thousand pesos (P10,000.00).

Above penalties are without prejudice to administrative sanctions that may be imposed if the perpetrator is a government employee. When the perpetrator is a stranger to the victim, absence of consent is presumed.

SEC. 5. Authority to Apprehend Street Sexual Harassment Perpetrators for Light and Medium Offenses. – There shall be anti-sexual harassment enforcers (A-SHE) who will be deputized to receive complaints on the street and immediately apprehend the offender if the same was caught in *flagrante delicto*. As such, the Philippine National Police (PNP) will deputize the MMDA enforcers for Metro Manila, and the local units of the PNP for other provinces, to act as A-SHEs. For light and medium offenses, A-SHEs may immediately impose the fine for, or issue orders for community service. The A-SHE unit, together with the Women and Children's Desk of PNP stations, will keep a ledger of offenders of this Act for purposes of determining if the offender is a first, second, or third offender.

SEC. 6. Qualified Street Sexual Harassment and Public Spaces Harassment. – The penalty next higher in degree will be applied in the following cases:

(a) If the act takes place in a common carrier or public utility vehicle (PUV), including but not limited to jeepneys, taxis, tricycles, or app-based transport network vehicle services, where the perpetrator is the driver of the vehicle and the offended party is a passenger;

(b) If the offended party is a minor;

(c) If the perpetrator is a member of the uniformed services, such as the PNP and the Armed Forces of the Philippines (AFP), and the act was perpetrated while the perpetrator was in uniform; and

(d) If the act takes place in the premises of a government agency offering front-line services to the public and the perpetrator is a government employee.

SEC. 7. Sexual Harassment in Restaurants, Bars, Cinemas, Malls, Buildings and Other Privately-owned Places Open to the Public. – Restaurants, bars, cinemas, malls, buildings and other privately-owned places open to the public shall adopt a zero-tolerance policy against harassment. These establishments should provide assistance to victims of harassment by helping coordinate with local police authorities in the immediate aftermath of the reported harassment, making CCTV footage available, and providing a safe gender-sensitive environment to encourage victims to report harassment at the first instance. All restaurants, bars, cinemas and other places of recreation shall install in their business establishments clearly-visible warning signs against public spaces harassment, including the anti-harassment hotline number in bold letters, and shall designate at least one anti-sexual

harassment complaints. Security guards in these places may be deputized to apprehend perpetrators caught in *flagrante delicto* and are required to immediately coordinate with local authorities. Failure to comply with the provision shall result in the non-renewal of business permit.

SEC. 8. Sexual Harassment in Public Utility Vehicles (PUVs). – In addition to penalties in Section 4 and Section 6 (a) of this Act, the Land Transportation Office (LTO) may also cancel the license of the perpetrators, and the Land Transportation Franchising and Regulatory Board (LTFRB) may suspend or revoke the franchise of transportation operators, sexual harassment in PUVs where the perpetrator is the driver of the vehicle, but not its owner/operator. It shall also create a presumption of negligence on the part of the owner/operator of the vehicle in the selection and supervision of employees and shall render the former solidarily liable for the offenses of the latter.

SEC. 9. Duties of Local Government Units (LGUs). – LGUs shall bear primary responsibility in enforcing the provisions under Article I of this Act. LGUs may:

- a) Pass an ordinance which shall localize the applicability of this Act within sixty (60) days of its effectivity;
- b) Disseminate or post in conspicuous places a copy of this Act and the corresponding ordinance;
- c) Provide measures to prevent sexual harassment in educational institutions, such as information campaigns and anti-sexual harassment seminars;
- d) Discourage and impose fines on acts of sexual harassment as defined in this Act; and
- e) Coordinate with the Department of Interior of Local Government (DILG) on the implementation of this Act.

SEC. 10. Role of the DILG. – The DILG shall ensure the full implementation of this Act by:

- a) Inspecting LGUs if they disseminated or posted in conspicuous places copy of this Act and the corresponding ordinance;
- b) Conducting and disseminating surveys and studies on best practices of LGUs in implementing this Act; and
- c) Providing capacity-building and training activities to build the capability of local government officials to implement this Act in coordination with the PCW, the

Local Government Academy (LGA) and Development Academy of the Philippines (DAP).

ARTICLE II WORKPLACE HARASSMENT

Sec. 11. Sexual Harassment in the Workplace. – Section 3 of Republic Act No. 7877 is hereby deleted and replaced with the following provision:

THE CRIME OF SEXUAL HARASSMENT SHALL BE DEFINED AS:

1. AN ACT OR SERIES OF ACTS INVOLVING ANY UNWELCOME SEXUAL ADVANCES, REQUESTS OR DEMAND FOR SEXUAL FAVORS OR ANY ACT OF A SEXUAL NATURE, WHETHER DONE VERBALLY, PHYSICALLY OR THROUGH THE USE OF TECHNOLOGY SUCH AS TEXT MESSAGING OR ELECTRONIC MAIL OR COMMUNICATION, THAT HAS OR COULD HAVE A DETRIMENTAL EFFECT ON THE CONDITIONS OF AN INDIVIDUAL'S EMPLOYMENT OR EDUCATION, JOB PERFORMANCE OR OPPORTUNITIES;

2. A CONDUCT OF A SEXUAL NATURE AND OTHER CONDUCT BASED ON SEX AFFECTING THE DIGNITY OF A PERSON, WHICH IS UNWELCOME, UNREASONABLE, AND OFFENSIVE TO THE RECIPIENT, WHETHER DONE VERBALLY, PHYSICALLY OR THROUGH THE USE OF TECHNOLOGY SUCH AS TEXT MESSAGING OR ELECTRONIC MAIL OR COMMUNICATION; AND

3. A CONDUCT THAT IS UNWELCOME AND PERVASIVE AND CREATES AN INTIMIDATING, HOSTILE OR HUMILIATING ENVIRONMENT FOR THE RECIPIENT;

PROVIDED, THAT THE CRIME OF SEXUAL HARASSMENT MAY ALSO BE COMMITTED BETWEEN PEERS AND THOSE COMMITTED TO A SUPERIOR OFFICER BY A SUBORDINATE, OR TO A TEACHER BY A STUDENT, OR TO A TRAINER BY A TRAINEE

SEC. 12. Duties of Employers. - Employers or other persons of authority, influence or moral ascendancy in a work place shall have the duty to prevent, deter, or Punish the Performance of acts of sexual harassment in the work place, Towards this end, the employer or person of authority, influence or moral ascendancy shall:

- a) Disseminate or post in a conspicuous place a copy of this Act to all persons in the work place;
- b) Provide measures to prevent sexual harassment in the work place, such as the conduct of anti-sexual harassment seminars;
- c) Create an independent internal mechanism to investigate and address complaints of harassment which shall:

- 1) Adequately represent the management, the employees from the supervisory rank, the rank and file employees, and the union, if any;
 - 2) Be headed by a woman and not less than half of its members should be women;
 - 3) Members should be impartial and not connected or related to the alleged perpetrator;
 - 4) Investigate and decide on complaints within ten (10) days or less;
 - 5) Observe due process;
 - 6) Protect the complainant from retaliation; and
 - 7) Guarantee the confidentiality to the greatest extent possible;
- d) Provide and disseminate, in consultation with all persons in the work place, a code of conduct or work place policy which shall:
- 1) Expressly reiterate the prohibition on sexual harassment;
 - 2) Describe the procedures of the internal mechanism created under Section 12 (c) of this Act; and
 - 3) Set administrative penalties.

SEC. 13. Duties and Employees and Co-Workers. – Employees and co-workers shall have the duty to:

- a) Refrain from committing acts of sexual harassment;
- b) Discourage the conduct of sexual harassment in the work place; and
- c) Provide emotional or social support to fellow employees, co-workers, colleagues or peers who are victims of sexual harassment.

SEC. 14. Liability of Employers. - In addition to liabilities for committing acts of sexual harassment, employers may also be held responsible for;

- a) Non-implementation of their duties under Section 12 of this Act, as provided in the penal provisions; or
- b) Not taking action on reported acts of sexual harassment committed in the work place;

SEC. 15. Routine Inspection. – The Department of Labor and Employment (DOLE) for the private sector and the Civil Service Commission (CSC) for the public sector shall conduct yearly spontaneous inspections to ensure compliance of employers and employees with their obligations under this Act.

ARTICLE III SEXUAL HARASSMENT IN EDUCATIONAL OR TRAINING INSTITUTIONS

SEC. 16. Scope and Coverage - This Article shall encompass all acts of gender-based harassment as defined under this Act when committed in public and private educational facilities, including schools, universities and technical-vocational institutions. It shall cover principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an educational or training institution, as well as

students. Each school, whether grade school, high school, tertiary, or vocational institutions, shall designate an officer-in-charge of receiving complaints regarding violations of this Act, and shall ensure that complainants are provided with a gender-sensitive environment that is both respectful of complainants' needs and conducive to truth-telling. Even if an individual does not want to file a complaint or does not request that the school take any action on the student's behalf, if a school knows or reasonably should know about possible sexual harassment or sexual violence, it must promptly investigate to determine what occurred and then take appropriate steps to resolve the situation. If a school knows or reasonably should know about sexual harassment or sexual violence that creates a hostile environment, the school must take immediate action to eliminate the sexual harassment or sexual violence, prevent its recurrence, and address its effects.

SEC. 17. Duties of School Heads. - School heads shall have the following duties:

- a) Disseminate or post in a conspicuous place a copy of this Act to all persons in the educational institution;
- b) Provide measures to prevent sexual harassment in educational institutions, such as information campaigns;
- c) Create an independent Internal mechanism to investigate and address complaints of sexual harassment which shall:
 - 1) Adequately represent the school administration, the trainers, instructors, professors or coaches and students or trainees, students and parents, as the case may be;
 - 2) Be headed by a woman and not less than half of its members should be women;
 - 3) Members should be impartial and not connected or related to the alleged perpetrator;
 - 4) Investigate and decide on complaints within ten (10) days or less;
 - 5) Observe due process;
 - 6) Protect the complainant from retaliation; and
 - 7) Guarantee confidentiality to the greatest extent possible.
- d) Provide and disseminate, in consultation with all persons in the educational institution, a code of conduct or school policy which shall:
 - 1) Expressly reiterate the prohibition on sexual harassment;
 - 2) Describe the procedures of the internal mechanism created under this Act, and
 - 3) Set administrative penalties.

SEC. 18. Liability of School Heads. - In addition to liability for committing acts of sexual harassment, principals, school heads, teachers, instructors, professors, coaches, trainers, or any other person who has authority, influence or moral ascendancy over another in an educational or training institution may also be held responsible for:

- a) Non-implementation of their duties under Section 17 of this Act, as

provided in the penal provisions; or

b) Failure to act on reported acts of sexual harassment committed in the educational institution.

SEC. 19. *Liability of Students.* Minor students who are found to have committed acts of sexual harassment shall only be held liable for administrative sanctions by the school as stated in their school handbook.

SEC. 20. *Routine Inspection.* - The Department of Education (DepEd), the Commission on Higher Education (CHED), and the Technical Education and Skills Development Authority (TESDA) shall conduct regular spontaneous inspections to ensure compliance of school heads with their obligations under this Act.

ARTICLE IV FINAL PROVISIONS

SEC. 21. *PNP Women and Children's Desks.* - The Women Children's desks now existing in all police stations shall act on and attend to all complaints covered under this Act. They shall coordinate with A-SHE officers on the street, security guards in Privately-owned spaces open to the public, and anti-sexual harassment officers in government and private offices or schools in the enforcement of the provisions of this Act,

SEC. 22. *Educational Modules.* - Courses in high school and college shall include age-appropriate educational modules against street and public spaces harassment, such modules to be developed by the DepEd, CHED, TESDA and PCW.

SEC. 23. *Safety Audits.* - LGUs are required to conduct safety audits every three years to determine effective implementation of the Act within their jurisdictions. Such audits shall be multi-sectoral and participatory, with consultations undertaken with schools, police officers, and civil society organizations.

SEC. 24. *Appropriations.* Such amounts as may be necessary for the implementation of this Act shall be indicated under the annual General Appropriations Act (GAA). National and local government agencies shall be authorized to utilize their mandatory Gender and Development (GAD) budget, as provided under Republic Act No. 9710, otherwise known as the "*Magna Carta of Women*" for this purpose. In addition, LGUs may also use their mandatory twenty (20%) allocation of their annual internal revenue allotments for Local Development Projects as provided under Section 287 of the Republic Act 7610, otherwise known as the "*Local Government Code of 1991*".

SEC. 25. *Separability Clause.* - If any provision or part hereof is held invalid or unconstitutional, the remaining provisions not affected thereby shall remain valid and subsisting.

SEC. 26. *Repealing Clause.* - Any law, presidential decree or issuance, executive

order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SEC. 27. *Effectivity*. - This Act shall take effect fifteen (15) days after its Publication in the Official Gazette or in any two (2) newspapers of general circulation in the Philippines.

Approved,